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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,220	04/03/2001	Keith Ludwig	BTI 01.01 B	9811
27667	7590	05/04/2006	EXAMINER	
HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/825,220	LUDWIG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lalita M. Hamilton	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07172001</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, *or* composition of matter, *or* any new and useful improvement thereof" (emphasis added).

Claims 1-34 are rejected under 35 U.S.C. 101, because the claimed invention is directed to a non-statutory subject matter. The claims as presented do not represent a specific outcome. The claims read as instructions with no specified outcome or end result.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims read as instructions with no specified outcome or end result.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Neely (2002/0077977).

Neely discloses a method for electronic invoicing and payment comprising at least one biller system and at least one payor system in communication with a payment processing system, said payment processing system comprising a database including global information relating to said biller system and said payor system, and an application server for storing at least one modular business object containing specified instructions to govern financial transactions between said biller system and said payor system based on said global information, payment processing system, said payment processing system comprising a database including global information relating to said biller system and wherein said application server permits replacement of said business object with another modular business object containing other specified instructions using the same said global information (p.4, 50-58 and p.10, 146-155); at least one biller system and at least one payor system in communication with a said payor system, and an application server for storing at least one modular business object containing

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specified instructions to modify said global information, wherein said application server permits replacement of said business object with another modular business object containing other specified instructions for modifying the same said global information (p.4, 50-58 and p.10, 146-155); payment processing system is operable to receive invoice data from said biller system and store said invoice data on said database (p.4, 50-58 and p.10, 146-155); payment processing system is further operable to permit said payor system and/or said biller system to select one said business object for execution and to execute said business object (p.4, 50-58 and p.10, 146-155); business service provider system in communication with said payment processing system, services to said biller system and said payor system via said payment processing system (p.4, 50-58 and p.10, 146-155); payment processing system is operable to send an e-mail message to said payor system to alert said payor system of said business service provider system configured to provide business processing updated invoice data received from said biller system (p.4, 50-58 and p.10, 146-155); payment processing system further comprises at least one web server, said web server operable to provide said payor system and/or said biller system access to said at least one business object (p.4, 50-58 and p.10, 146-155); a database interface configured to receive messages from said selected business object in an extensible markup language format (p.4, 50-58 and p.10, 146-155); database interface is further configured to structure and generate calls to said database for execution in standard query language format, based on said extensible markup language formatted messages received from said selected business object (p.4, 50-58 and p.10, 146-155); interface is further configured to receive from

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said database responses to said standard query language formatted calls (p.4, 50-58 and p.10, 146-155); database interface is further configured to structure and generate messages to said selected business object in an extensible markup language format, based on said database responses (p.4, 50-58 and p.10, 146-155); payment processing system is on said database (p.4, 50-58 and p.10, 146-155); business object is selected from the group consisting of: an object for reviewing invoices, an object for making adjustments to invoices, and an object for initiating invoice payment (p.4, 50-58 and p.10, 146-155); payment processing system is capable of connection to a network, and wherein said biller system and said payor system comprise hardware and software for connecting to said payment processing system via said network (p.4, 50-58 and p.10, 146-155); business service provider system comprises hardware and software for connecting to said payment processing system via a network (p.4, 50-58 and p.10, 146-155); network is selected from the group consisting of: local area network, wide area network, internet, intranet, extranet, a Tcp/Ip-based network, a wireless network, an e-mail based network of e-mail transmitters and receivers, a modem-based telephonic network, and an interactive telephonic network accessible to users by telephone (p.4, 50-58 and p.10, 146-155); payment processing system is further operable to perform an action via said network selected from the group consisting of: transmitting to said payor system said invoice data, adjudicating said invoice data, allowing said payor system to pay said biller system, and one or more of the foregoing actions in combination (p.4, 50-58 and p.10, 146-155); network is selected from the group consisting of: local area network, wide area network, internet, intranet, extranet, a Tcp/Ip-based network, a

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wireless network, an e-mail based network of e-mail transmitters and receivers, a modem-based telephonic network, and an interactive telephonic network accessible to users by telephone (p.4, 50-58 and p.10, 146-155); payment processing system further comprises computer-readable memory adapted for receiving and storing data and commands from said biller system and said payor system via said network (p.4, 50-58 and p.10, 146-155); payment processing system further comprises a security mechanism for restricting unauthorized access (p.4, 50-58 and p.10, 146-155); security mechanism is selected from the group consisting of: a digital signature, a PIN number, a password, a master key, and one or more of the foregoing in combination (p.4, 50-58 and p.10, 146-155); at least one firewall (p.4, 50-58 and p.10, 146-155); a backup mechanism adapted to store a mirror copy of said data stored on said database and permitting access to said mirror copy of said data in the event said original data is corrupt or unavailable (p.4, 50-58 and p.10, 146-155); biller system is adapted to access said payment processing system via a web browser (p.4, 50-58 and p.10, 146-155); payor system is adapted to access said payment processing system via a web browser (p.4, 50-58 and p.10, 146-155); business service provider system is adapted to access said payment processing system via a web browser (p.4, 50-58 and p.10, 146-155); invoice data comprises at least one payor system, at least one invoice stream, and at least one biller system identifier (p.4, 50-58 and p.10, 146-155); access control comprising a list of users, and a user identification and password for each user (p.4, 50-58 and p.10, 146-155); access control is operable to govern whether a user is permitted to access each said business object (p.4, 50-58 and p.10, 146-155);

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comprising a business function selection object, said object residing on said application server (p.4, 50-58 and p.10, 146-155); an invoice loader adapted to perform said receipt of said invoice data and said storage of said invoice data on said database (p.4, 50-58 and p.10, 146-155); biller system is adapted to access said payment processing system via a non-browser XML-enabled application (p.4, 50-58 and p.10, 146-155); payor system is adapted to access said payment processing system via a non-browser XML-enabled application (p.4, 50-58 and p.10, 146-155); and business service provider system is adapted to access said payment processing system via a non-browser XML-enabled application (p.4, 50-58 and p.10, 146-155).

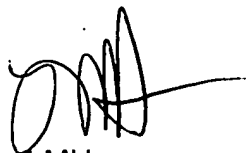
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH